

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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|--------------------------------|--------------------------|
| In re: JOSEPH PENNINGTON, JR., |) Chapter 7 |
| |) Bk. No. 06-10066 (MFW) |
| |) |
| Debtors. |) |
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| JOSEPH PENNINGTON, JR., |) |
| |) |
| Appellant, |) |
| |) |
| v. |) Civ. No. 06-690-SLR |
| |) |
| U.S. TRUSTEE, |) |
| |) |
| Appellee. |) |

ORDER

At Wilmington this 28th day of September, 2007, having reviewed the record and there having been no activity in the above captioned bankruptcy appeal since the reference to a mediator was entered on November 28, 2006¹, indicating that the matter has been resolved or that the judicial process is not being used effectively (or respectfully) by the parties;

IT IS ORDERED that said appeal is dismissed for lack of prosecution.


United States District Judge

¹At the court's request a status report was filed under seal by the mediator on September 26, 2007 (D.I. 5).